



GAU 1645

Docket No.: 20447 US2 (C38435/111673)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of :

Jagath L. KADURUGAMUWA, *et al.*

Serial No.: 09/370,860

Filed: August 9, 1999

For: **NOVEL VACCINES AND  
PHARMACEUTICAL COMPOSITIONS  
USING MEMBRANE VESICLES, AND  
METHODS FOR PREPARING SAME**

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Examiner: R.A. Zeman

Art Unit: 1645

New York, New York  
May 22, 2000

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**RESPONSE TO RESTRICTION REQUIREMENT AND ELECTION OF SPECIES**

Box Non-Fee Amendment  
Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

This is in response to the Office Action mailed April 21, 2000, which set a one-month shortened statutory period for response. Accordingly, this Response is timely filed with an executed certificate of mailing on or before May 22, 2000, because May 21 was a Sunday. 35 USC §21(b); 37 CFR §§ 1.7 and 1.8. No fee is believed to be due. If it is determined that a fee is due, please charge such fee to Deposit Account No. 02-4467. A duplicate copy of this sheet is enclosed.

On page 2, ¶ 1 of the Office Action, the Examiner issued a four-way restriction requirement pursuant to 35 USC §121. The restriction divided the claims into the following allegedly distinct inventions: Group I drawn to "vaccines" containing claims 1-6; Group II,

drawn to “pharmaceutical compositions and method of treating infectious diseases” containing claims 7-12; Group III drawn to “drug delivery systems” containing claims 13 and 14; and Group IV drawn to “methods of inserting DNA into a cell” containing claims 15-17. (Paper No. 4 at 2).

In issuing the restriction requirement, the Examiner asserts that “[b]ecause these inventions are distinct ... restriction for examination purposes as indicated is proper.” (*Id.* at 3).


In accordance with restriction practice, the subject matter of claims 1-6 (Group I) is hereby elected for prosecution with traverse.

The Examiner also required that an election be made among the “plurality of disclosed patentably distinct species.” *Id.* at 4.

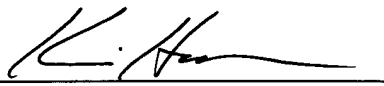
In accordance with restriction practice, the species *Pseudomonas aeruginosa* is hereby elected, with traverse.

For the reasons set forth above, examination on the merits and allowance of the claims respectfully is requested. If the Examiner has any questions regarding this paper, please contact the undersigned attorney.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to Box Non-Fee Amendment, Assistant Commissioner for Patents, Washington, D.C. 20231, on May 22, 2000.

  
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Kevin C. Hooper

Respectfully submitted,

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